

ASSEMBLY BILL

No. 956

Introduced by Assembly Member Mathis

February 26, 2015

An act to amend Section 21177 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 956, as introduced, Mathis. California Environmental Quality Act: noncompliance allegations: standing.

The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The act also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

The act requires an action or proceeding alleging noncompliance with its requirements to be based on grounds that were presented to the public agency, orally or in writing, by any person and requires the person maintaining the action or proceeding to have objected to the approval of the project, orally or in writing, during the public comment period provided under the act or prior to the close of the public hearing on the project before the issuance of the notice of determination. For an organization formed after the approval of a project, the act provides, on and after January 1, 2016, that that organization may maintain an

action or proceeding if a member of the organization objected to the approval of the project during one of the 2 specified time periods.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21177 of the Public Resources Code, as
2 added by Section 12 of Chapter 496 of the Statutes of 2010, is
3 amended to read:

4 21177. (a) An action or proceeding shall not be brought
5 pursuant to Section 21167 unless the alleged grounds for
6 noncompliance with this division were presented to the public
7 agency orally or in writing by ~~any~~ a person during the public
8 comment period provided by this division or prior to the close of
9 the public hearing on the project before the issuance of the notice
10 of determination.

11 (b) A person shall not maintain an action or proceeding unless
12 that person objected to the approval of the project orally or in
13 writing during the public comment period provided by this division
14 or prior to the close of the public hearing on the project before the
15 filing of notice of determination pursuant to Sections 21108 and
16 21152.

17 (c) This section does not preclude ~~any~~ an organization formed
18 after the approval of a project from maintaining an action pursuant
19 to Section 21167 if a member of that organization has complied
20 with subdivision (b).

21 (d) This section does not apply to the Attorney General.

22 (e) This section does not apply to any alleged grounds for
23 noncompliance with this division for which there was no public
24 hearing or other opportunity for members of the public to raise
25 those objections orally or in writing prior to the approval of the
26 project, or if the public agency failed to give the notice required
27 by law.

28 (f) This section shall become operative on January 1, 2016.

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